

STATE OF NEVADA  
BOARD OF HEARING AID SPECIALISTS

MINUTES

JUNE 11, 2005

1. Call to Order and Roll Call

President Vander Wall called the meeting to order at 1:16 P.M. at the South Valley Sports Complex Library, Diamond Meeting Room, Reno, Nevada. Roll call showed the following individuals present:

Board Members:

Dr. Kathleen VanderWall, President  
Tracy Sandborn, Secretary  
Rick Vaughn, Member

Board Member Absent:

Denise Segreti, Member – Excused for illness

Staff:

Christina Harper, Board Administrator  
George Campbell, Deputy Attorney General

Public:

James L. Van Hoose  
Kathleen Richards  
Don Stephens  
Janina Chambers  
Aaron Maurice  
Donald Chambers  
Pat Cunningham-Wong  
Carolyn Lovelace

President Vander Wall determined that a quorum was present.

President Vander Wall stated that due to time constraints on the use of the television and video equipment, Item #7 will be taken out of order.

7. Review, Discuss and Possible Action on the Following Applications for Licensure:  
a. Michael Tobin; b. Sylvia Tobin; c. Donald Stephens

President Vander Wall stated that the first application to be reviewed will be Michael Tobin.

Aaron Maurice, on behalf of and attorney for Michael Tobin, Sylvia Tobin and Donald Stephens, stated that Mr. Tobin is not present. Mr. Maurice stated that in a letter of February 22, 2005 he requested a transcript of the February 12, 2005 meeting or a copy of the tape of the meeting based on information received that derogatory comments were made by Member Vaughn regarding Mr. Tobin. Mr. Maurice stated that Mr. Tobin will not appear until a copy of the transcript or a copy of the tape is received. Mr. Maurice stated that Mrs. Harper stated that she did send a copy of the minutes from that meeting to Mr. Maurice's office. Mr. Maurice stated that he did not receive those minutes.

Mr. Maurice stated that in regard to all of the issues under agenda Item #7 that deal with Michael Tobin, Sylvia Tobin and Donald Stephens, it is requested that Member Vaughn recluse himself from any discussion or votes related to those items.

President Vander Wall stated that at the present time, if Member Vaughn is asked to recluse himself from the discussion/vote, there will not be a quorum of the Board and as such this issue would have to wait until the next scheduled Board meeting at which time Mr. Maurice would have time to received a copy of the transcript or copy of the tape of the meeting. Mr. Maurice agreed to have this agenda item postponed until the next scheduled Board meeting.

President Vander Wall requested to view the video tape and discuss the investigative report on the issue of Mr. Tobin's application. Mr. Campbell stated that in view of the request by Mr. Maurice, he would recommend that the Board and for the applicant's representative to have a brief closed session to identify and discuss the issues and make the next meeting more productive. Mr. Campbell explained the Open Meeting Law and the rules for having a closed session.

Member Vaughn stated that he did not see a reason to recluse himself and will not recluse himself from the discussion/vote. Mr. Maurice stated that Member Vaughn is a former Sandia employee and left the company, which is owned by Michael and Sylvia Tobin, in 1993 not on good terms. Mr. Maurice stated that it is his understanding that there is an open feud between Member Vaughn and Michael Tobin. Member Vaughn responded that he has not spoken or had any communication with Mr. Tobin since 1993 and there is no feud on Member Vaughn's part.

Mr. Maurice stated that there is also the issue that client that was allegedly seen by Donald Stephens is now a client of Member Vaughn and Member Vaughn has first hand knowledge of that client. Mr. Maurice stated that the information that Member Vaughn was a witness to an investigation related to Donald Stephens and this information demands that Member Vaughn recluse himself from discussion/vote on the applicants.

Mr. Campbell recommended that the Board schedule a meeting in the near future, in about six weeks, with a quorum of the Board, with all Board Members, so that the council for Sandia can review the information and prepare for the next meeting.

#### 4. B. Schedule Next Board Meeting

The Board agreed to hold the next meeting either on August 13 or August 27. Mrs. Harper will contact Member Segreti and Member Vaughn to check their schedules. Mrs. Harper will contact Board Members regarding the date when a location can be secured in Las Vegas. President Vander Wall stated that any discussion on agenda item #7 on the applications will be held until the next meeting.

Upon questioning by Member Vaughn, Mr. Maurice stated that Donald Stephens is not an employee of Sandia and Mr. Maurice did not know Dennis Tobin, Kenneth Lujan, Kirk Smelzer, Don Cornwell, Mike Dugan, Denny Denton and Janina Chambers is no longer employed by Sandia. Mr. Maurice stated that if a complaint were made against an employee of Sandia, he would represent them. Upon questioning by the Board, Mr. Maurice responded that he is paid to represent the Sandia Company and all Sandia employees.

President Vander Wall requested to go to closed session to speak with Janina Chambers who traveled from Las Vegas to speak to the Board. Mr. Campbell recommended that all of the testimony be held until the next meeting in Las Vegas.

A break was granted at 1:38 P.M.  
The meeting reconvened at 1:44 P.M.

2. Approval of Minutes

A. February 12, 2005 Board Meeting Minutes

Member Sandborn moved to accept the February 12, 2005 meeting minutes with a correction on Page 3, 2<sup>nd</sup> paragraph, Member Vaughn moved to accept the financial report through December 31, 2004, seconded by Member [Vaughn] Sandborn. The motion was seconded by Member Vaughn. The motion passed unanimously.

3. Review Policy Procedure Manual

There being no additions, amendments, or objections, President VanderWall stated that the Policy Manual remains as submitted. Mrs. Harper stated that this is a continuing agenda item for any changes or additions that the Board may want to make to the Policy Procedure Manual.

6. Report of Board Administrator

A. Application Profiles and Board Acceptance of those Applications

The Board reviewed the following licensure applications.

Following a review of Tim Blake's application, President Vander Wall stated that all documents are in order and stated that Mr. Blake's application as an apprentice is approved.

Following a review of Nichole Norback's application, President Vander Wall stated that all documents are in order and stated that Ms. Norback's application as an apprentice is approved.

Following a review of Patricia Cunningham-Wong's application, President Vander Wall stated that all documents are in order and stated that Ms. Cunningham-Wong is approved to take the exam.

Following a review of Angela Moughis' application, President Vander Wall stated that all documents are in order and stated that Ms. Moughis is approved to take the exam.

Mrs. Harper stated that one of the previous applicant's that failed the written portion of the IHIS exam has requested to review the exam. Mrs. Harper will be contacting IHIS to determine the process to review the exam and will contact the application with the proper procedures.

4. Report of Board Chair  
A. Schedule Next License Examination

The next licensure examination was scheduled for July 9, 2005 in Reno and Las Vegas. President Vander Wall will begin the exam in Reno at 9:00 A.M. at her office, 343 Elm Street, Suite 204, Reno and to begin the exam in Las Vegas at 10:00 A.M. at a location in Las Vegas. Member Vaughn will contact Mrs. Harper with a location for the Las Vegas exam. The individuals taking the exam in Las Vegas are only retaking the written portion of the exam.

5. Report of Secretary/Treasurer  
A. Financial Report

Mrs. Harper handed out the financial report as of June 30, 2005. Mrs. Harper indicated that the balance does not include the 2005-2006 renewals. Renewals are due by June 30, 2005. It was indicated that the Board has a balance of \$13,559 in checking and \$20,757 in CD's.

President Vander Wall moved to accept the financial report through June 30, 2005, seconded by Member Sandborn. The motion passed unanimously.

6. B. Licensee Examination Results from November 2004

Mrs. Harper reviewed the exam results from the testing held April 9, 2005:

- Elizabeth Anne Gautereaux – passed all three exams, has paid initial license fee and has received her license;
- Kathleen J. Lee – passed the practical and the State Statutes and Ethics exams but failed one portion of the IHIS written exam;
- Abbie Stevenson – passed the practical and the State Statutes and Ethics exams but failed one portion of the IHIS written exam;

- Courtney M. Smith – passed the practical and the State Statutes and Ethics exams but failed one portion of the IHIS written exam;
- Kathleen Ramirez – passed the State Statutes and Ethics Exam, has paid initial license fee and has received her license.

C. Discussion of the Acceptance of Continuing Education Units in Conjunction with a Hearing Aid Specialist Obtaining a Master's Degree

Mrs. Harper stated that she has received a request for a currently licensed Hearing Aid Specialist in the State of Nevada to see if the college education units she will be earning towards her master's degree in Audiology will be accepted towards her Hearing Aid Specialist licensure renewal for 2006-07.

Mr. Campbell recommended that the Board obtain a copy and review the procedures from the Speech and Audiology Board and the Medical Board of the acceptance of Continuing Education Units.

President Vander Wall stated that courses could be accepted if they are related to hearing aids and other Boards have honored one class per credit.

It was requested that a review of the policies and procedures be reviewed at the next meeting.

D. Review of Quarterly Reports for Apprentices

The Board reviewed the quarterly reports for apprentices.

Mrs. Harper notified the Board that Susan Lloyd is no longer a sponsor for Kathleen Lee. Ms. Harper has notified Ms. Lee that she may not practice as an apprentice until she obtains a new sponsor.

Mrs. Harper notified the Board that James Van Hoose is the new sponsor for Ken Lujan. Janina Chambers was Mr. Lujan's original sponsor has since removed herself as his sponsor. Mr. Van Hoose stated that he is in Las Vegas for two weeks out of the month and only supervises and sponsors Mr. Lujan for those two weeks. Upon questioning by the Board, Mr. Van Hoose stated that Mr. Lujan works in Arizona and New Mexico for the other two weeks of the month and is working on his BCHIS certification. It was noted that a July report will be due for review at the next Board meeting.

Member Vaughn moved to accept the quarterly reports as submitted, seconded by Member Sandborn. The motion passed unanimously.

E. Complaints

#05-02-068 – Following a review and discussion of the complaint, President Vander Wall moved to dismiss the complaint based on the fact that the client did

not request a timely refund within the 30 days, seconded by Member Vaughn. The motion passed unanimously.

#05-02-069 – Following a review and discussion of the complaint, Member Vaughn moved to dismiss with a letter to the Hearing Aid Specialist reminding that when a client requests a refund, that refund must be made within 30 days, seconded by Member Sandborn. The client has received his refund, just not in a timely manner and the refund was done in two payments. The motion passed unanimously.

#05-03-070 – Following a review and discussion of the complaint, President Vander Wall moved that the client receive a refund minus the \$75.00 per aid casting fee, seconded by Member Sandborn. The client never did pick up the hearing aids from the Specialist and is entitled to a refund. The motion passed unanimously.

#05-04-071 – Following a review and discussion of the complaint, Member Sandborn moved to dismiss the complaint as the Specialist has made numerous attempts to make the client happy and the 30 days refund period had expired and the client never requested a refund, seconded by Member Vaughn. The motion passed unanimously.

#05-04-072 – Following a review and discussion of the complaint, President Vander Wall moved for the client to receive a full refund, seconded by Member Sandborn. The motion passed unanimously. The contract was amended by the Hearing Aid Specialist and allowed for a 60 day return policy with no casting fee; as such the client did request a timely refund.

#05-04-073 – Following a review and discussion of the complaint, Member Sandborn moved for the client to receive a refund of \$3,800 for the hearing aids, seconded by Member Vaughn. The motion passed unanimously. The client returned the hearing aids in a timely manner and the contract was amended to allow for a 60 day return policy with no casting fee.

A break was granted at 2:34 P.M.  
The meeting reconvened at 2:45 P.M.

8. Discussion on How to address the Following Issues:

a. Timeliness of Application Process

President Vander Wall began the discussion and asked if there were any suggestions to have the application process proceed more rapidly for the applicants. Member Sandborn stated that there is a standard checklist of items that are required to be submitted by the applicant or requested to be sent to the Board by the applicant. Member Sandborn stated that the Board has no control over the mail and the timeliness of information to get to the Board.

Mrs. Harper reviewed the entire application process. Usually a phone message is received requesting an application packet. That packet is mailed out with a letter indicating the date of the next Board meeting and that the application needs to be returned at least six weeks prior to the Board meeting to allow for official transcripts and letters to be received. The applicant completes the packet and mails back to the Board. The Board Administrator review the packet for completeness with a checklist completed when all necessary paperwork is received. The Board Administrator mails out the appropriate letters to personal recommendation with uniform questions that the individual is requested to respond to and letter to previous employers also with uniform questions that the previous employer is to respond to. The applicant is to request copies of their college/university transcripts to be sent directly to the Board office. The Board Administrator sends a letter to the applicant indicating that all information has been received or a letter indicating the missing information, to include addresses, are missing and to please provide that information for the application to move forward. When all of the information is received, the application is placed for review at the next Board meeting. Incomplete applications are also submitted to the Board, if they are only missing a few items for the Board to review and make a determination on. The Board has approved applicants to take the exam pending the receipt of missing information, as long as the information is received prior to the exam date.

Mrs. Harper stated that usually the time delay comes in the personal recommendation letters and previous employer letters being sent back to the Board with the necessary information.

President Vander Wall stated that it has been suggested that the Board could send out the standards forms requesting information from personal references and previous employers with the application packet to have then filled out and then returned with the application. President Vander Wall stated that she does not feel that that is good idea because there is no way to determine if those individuals on that application are actually going to be filling out the standardized forms.

There was a discussion that the applicant has to request the official transcripts from the college/university and then the college/university has to send the official transcripts directly to the Board office, unopened, and issues to the Nevada State Board of Hearing Aid Specialist with the official seal.

Upon questioning by Member Vaughn, Mrs. Harper stated that she checks the message phone at least once a day but usually twice a day.

b. Accessibility of the Board

Upon questioning by President Vander Wall, Mrs. Harper responded that she is currently working with the Nevada Department of Information Technology, who will be maintaining the website, to get the website up and running for the Board. The website will have past meeting minutes, meeting agendas, application

packets, complaints forms, and links to IHIS for Code of Ethics and Bylaws, and the state statutes/regulations. Mrs. Harper offered if there is any other information that the Board would like to have placed on the website to contact her to get is on the website.

President Vander Wall suggested an e-mail address for individuals to be able to communicate with the Board and for Board responses. Mrs. Harper stated that she will talk with DOIT regarding this request.

Member Sandborn stated that the Board needs to decide what information could be accepted electronically or if the Board wants to accept any information electronically. The Board agreed that all official transcripts need to be sent directly to the Board via the US Postal Service to the Board P.O. Box.

c. Number of Board Meetings and Examinations per Year

The Board currently holds three meetings and three exams a year. The Board is only required to hold two meetings and two exams a year. The Board agreed to hold four meetings and four exams a year, based upon the number of applicants requesting and meet the requirements to take the exam. The Board agreed to have Board meetings every quarter. The Board will adopt a yearly Board meeting schedule at the next meeting with the flexibility that the dates could change due to Member conflicts.

d. Discussion to Schedule a Review of the Code of Ethics Examination

President Vander Wall requested to review the Code of Ethics examination and to determine whether or not there is an issue with the examination. The Code of Ethics/Statutes exam was reviewed about a year ago. President Vander Wall will report back to the Board at a future meeting.

Member Vaughn moved for President Vander Wall to review the Code of Ethics/Statutes exam and report to the Board at a future meeting, seconded Member Sandborn. The motion passed unanimously.

9. Complaint Report for Investigator on Complaints

President Vander Wall stated that the Investigator's report is not complete, as some of the investigations are not complete. This item was postponed until the meeting.

10. Public Comment

James Van Hoose stated that in the past few years the Board has been given the impression that they are unaccountable, inaccessible, and unacceptability in the sense that when people call or send a letter and have not received a response. Mr. Van Hoose stated that the Board needs to be flexible and hear what the dispensers have to say. Mr. Van Hoose requested that he be added to the mailing list to receive agendas. Mr. Van Hoose stated that he understands that the Board is to protect the consumers



but also to provide for the consumers. Mr. Van Hoose would like the application to indicate that letters will be sent to personal references and previous employers from the Board for information. Mr. Van Hoose stated that he would like to be mailed each time there is a Board meeting and would to see the pros and cons of each agenda item.

The Board explained when and where agendas are posted for Board meetings. Ms. Harper stated if an individual requests to be mailed an agenda, that person's name and address is added to the agenda mail notification list and that individual receives an agenda for each meeting held by the Board.

Mr. Van Hoose stated that he feels that Member Vaughn needs to recluse himself on the Sandia issues.

Aaron Maurice stated that the Board may want to look at how communication with individuals is being handled and feels that the question should be in a public forum, What the Board should aim to be, more accessible or just meet the law. Mr. Maurice stated that the Board needs to seriously consider getting into the technology age and get the website and e-mail up and running. Mr. Maurice stated that he could not believe the small number of Hearing Aid Specialists in the State of Nevada and feels that it is the Board's responsibility to educate individuals to get into the field of Hearing Aid Specialists.

Patti Cunningham-Wong questioned if an audiologist or Hearing Aid Specialist can perform serum management (ear wax removal). Member Vaughn responded that only a certified individual, such as a registered nurse, can remove ear wax. There are courses for individuals to take to be certified in this area.

Upon questioning by Mr. Van Hoose, Mrs. Harper responded that the Board performs criminal background checks on applicants.

#### 11. Adjournment of Meeting

President VanderWall adjourned the meeting at 3:20 P.M.